

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)

PLAYTEX PRODUCTS, INC., a Delaware
corporation,

Plaintiff,

v.

THE PROCTER & GAMBLE
DISTRIBUTING COMPANY, an Ohio
corporation, and THE PROCTER &
GAMBLE COMPANY, an Ohio corporation,

Defendants.

CASE NO. C-1-02-391

(Hon. Thomas M. Rose)

STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that all remaining claims and counterclaims in the above-captioned action be dismissed with prejudice pursuant to F.R.C.P. 41(a)(1). Each party is to bear its own costs.

By: s/Allon Stabinsky

Matthew B. Lehr (*pro hac vice*)

Allon Stabinsky (*pro hac vice*)

Attorneys for Plaintiff

LATHAM & WATKINS LLP

135 Commonwealth Drive

Menlo Park, CA 94025

Telephone: (650) 328-4600

Facsimile: (650) 463-2600

E-mail: allon.stabinsky@lw.com

Robert J. Gunther, Jr. (*pro hac vice*)

LATHAM & WATKINS LLP

885 Third Avenue, Suite 1000

New York, New York 10022-4802

Telephone: (212) 906-1200

Facsimile: (212) 751-4864

Paul B. Martins, Esq. (0007623)
HELMER, MARTINS & MORGAN CO., L.P.A.
1900 Fourth & Walnut Centre
105 East Fourth Street
Cincinnati, OH 45202
Telephone: (513) 421-2400
Facsimile: (513) 421-7902

Attorneys for Plaintiff

By: s/Charles J. Faruki
Charles J. Faruki (0010417)
Trial Attorney
Thomas R. Kraemer (0060120)
Donald E. Burton (0040553)
FARUKI IRELAND & COX P.L.L.
500 Courthouse Plaza, S.W.
10 North Ludlow Street
Dayton, Ohio 45402
Telephone: (937) 227-3705
Facsimile: (937) 227-3717
E-mail: cfaruki@ficlaw.com

Attorneys for Defendants